

ORIGINAL

T05-0011

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1112**

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "Commission", the Norfolk Southern Railway Company, hereinafter referred to as "Company", the Village of Bluffs, hereinafter referred to as the "Village", respectively, and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence, that inquiry should be made into the matter of improving public safety at the Rogers Street and Bradley Street highway-rail grade crossings of the Norfolk Southern Railway Company's track in the Village of Bluffs, Scott County, Illinois, designated as crossings AAR/DOT 479 442F, milepost 465.35-WC, and AAR/DOT 479 443M, milepost 465.42-WC, respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibits A-1 and A-2, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund ("Fund") of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossings should be as follows:

(1) Rogers Street (AAR/DOT 479 442F)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The modification of the south highway approach, in order to more closely comply with requirements of 92 Illinois Administrative Code (IAC) 1535.204. Due to the close proximity of existing driveways, and the associated alteration of them in an area that is outside the limits of the public right of way, it is not reasonable or financially feasible that strict compliance with requirements of 92 IAC 1535 needs to be met in this instance. The Village should be granted a variance to the requirements of 92 IAC 1535.204 for this crossing, but shall modify the south approach to an extent that the finished grade is reasonably close to the requirements of 92 IAC 1535, with consideration given to the existing right-of-way and other spatial restrictions.
- (c) The widening of the existing timber and asphalt crossing surface (main track) to the same or greater width as the adjacent siding in order to comply with requirements of 92 IAC 1535.203. The main crossing surface also needs to be restored, as one timber is loose, one is split, it needs to be patched, and the asphalt is humped on both sides of the crossing adjacent to the field timbers.
- (d) The installation of temporary STOP signs, if ordered, at the Rogers Street crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

(2) Bradley Street (AAR/DOT 479 443M)

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The modification of the south highway approach, in order to more closely comply with requirements of 92 Illinois Administrative Code (IAC) 1535.204. Due to the close proximity of existing driveways, and the associated alteration of them in an area that is outside the limits of the public right of way, it is not reasonable or financially feasible that strict compliance with requirements of 92 IAC 1535 needs to be met in this instance. The Village should be granted a variance to the requirements of 92 IAC 1535.204 for this crossing, but shall modify the south approach to an extent that the finished grade is reasonably close to the requirements of 92 IAC 1535, with consideration given to the existing right-of-way and other spatial restrictions.

- (c) The installation of temporary STOP signs, if ordered, at the Bradley Street crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared detailed estimates of cost to accomplish the proposed warning device improvements, which it may be required to perform. Said estimates are attached as Exhibits B-1 and B-2. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, and any required specifications for the proposed improvements for the approval of the Commission and Department. The Department shall notify the Commission within five (5) days after it has received the detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements from the Company. The Department shall also provide written notice to the Commission within five (5) days after it has approved the detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements.

Section 4 The Company and the Village shall upon Order, according to the requirements contained therein, each proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be as follows:

Rogers Street
(AAR/DOT #479 442F)

IMPROVEMENT	EST. COST	GCPF	VILLAGE	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$169,700	\$152,730 ¹	\$0	Remainder ²	\$0
Modify Existing South Highway Approach	No estimate required	\$0	100% ⁵	\$0	\$0
Widen and Reconstruct Existing Main Track Crossing Surface.	No estimate required	\$0	\$0	100% ⁴	\$0
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³	\$0

Bradley Street
(AAR/DOT #479 443M)

IMPROVEMENT	EST. COST	GCPF	VILLAGE	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$167,400	\$150,660 ¹	\$0	Remainder ²	\$0
Modify Existing South Highway Approach	No estimate required	\$0	100% ⁵	\$0	\$0
Install temporary STOP Signs, if ordered	No estimate required	\$0	\$0	100% ³	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$303,390; any installation costs above the estimated amount of \$337,100 will be divided between the GCPF and the Company in the same percentages noted above.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP signs (if ordered).

⁴ Company responsible for all future maintenance costs associated with the crossing surfaces.

⁵ Village responsible for all future maintenance costs associated with the highway approaches.

Section 6 The Village is financially able and willing to bear equitable portions of the cost for the proposed improvements (approach modifications) as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions: Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

The Company shall furnish a written statement with the Director of Processing and Information, of the Commission's Transportation Bureau, indicating that the temporary STOP signs have been installed at the subject crossings, if ordered.

Since the crossing approach improvements at the subject crossings will be performed by the Village, or their respective contractor crews, flagging and contractor liability insurance may be required for said work.

The Company and the Village shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Village employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

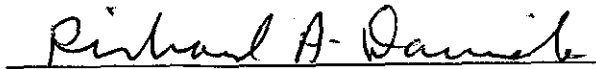
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 10th day of November, 2004.

A handwritten signature in black ink, appearing to read "Michael E. Stead", written over a horizontal line.

Michael E. Stead
Rail Safety Program Administrator

Attest:

A handwritten signature in black ink, appearing to read "Richard A. Daniels", written over a horizontal line.

Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. **1112** concerning improvements at the crossings of the Company's track with a public highways known as Rogers Street and Bradley Street in the Village of Bluffs, Illinois, designated as crossings AAR/DOT 479 442F, milepost 465.35-WC, and AAR/DOT 479 443M, milepost 465.42-WC, respectively.

Executed by the Department this 7th day of December 2004.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

Victor A. Moolenaar
Director of Highways

Executed by the Village this 9th day of December 2004.

By: Jacqueline A Williams.
Bluffs Village President

Attest:

Illinois Commerce Commission Stipulated Agreement No. **1112** concerning improvements at the crossings of the Company's track with a public highways known as Rogers Street and Bradley Street in the Village of Bluffs, Illinois, designated as crossings AAR/DOT 479 442F, milepost 465.35-WC, and AAR/DOT 479 443M, milepost 465.42-WC, respectively.

Executed by the Company this 15th day of February 2005.

NORFOLK SOUTHERN RAILWAY
COMPANY

By: HR Constock
General Manager

Attest:

Mary Ann Murphy
Asst.
Secy.

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	479 442F, 465.35/WC
STREET, CITY, COUNTY	Rogers Street, in Bluffs, Scott County
JURISDICTION (RDWY)	City
LOCATION	urban, residential
STREET SURFACE	Oil and Chip, 20', fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E Main	Timber and Asphalt	24'	Fair, needs work
W-E Siding	Timber and Asphalt	27'	fair

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	N/A
TRAFFIC CONTROL	N/A
ADT & SPEED	259, @30 mph
TRAFFIC TYPE	Passenger, possible School Busses
ADVANCE WARNING	Yes
PAVEMENT MARKING	no

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18 freight Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	Say 40 (near curve)	MPH
Roadway Speed	Say 20	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	132	FEET
Along Tracks	413	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	960	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	350	Curve, house, trees	100	House, fence
NW	OK	N/A	125	House
SE	800	Curve	350	Trees, curve
SW	500	House and trees	225	House

*

APPROACH GRADES: See Location Sketch

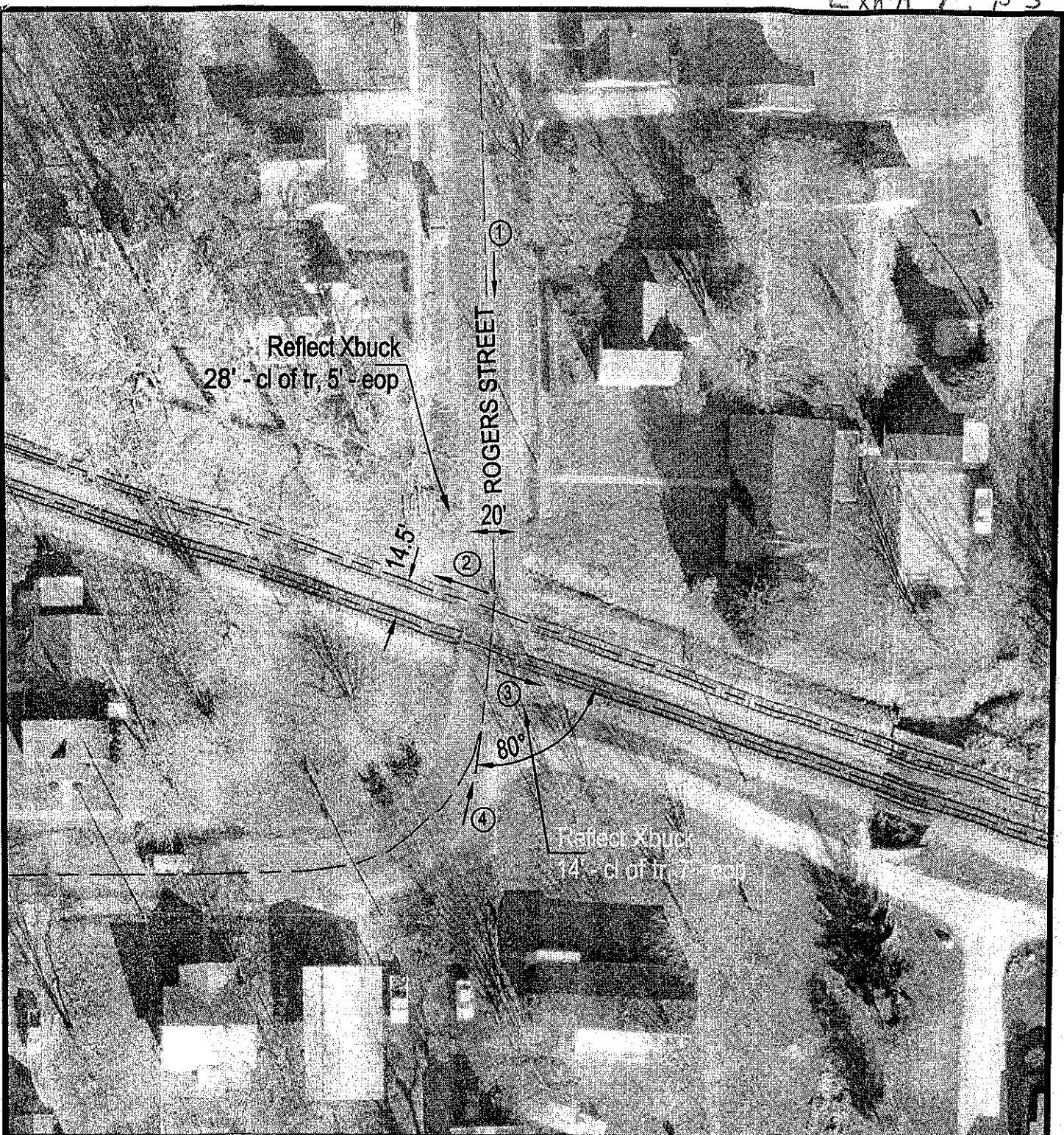
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.3	1.60	25	99.0	4
50	99.2	0.4	50	97.8	4.8

Distance measured from outermost rail.

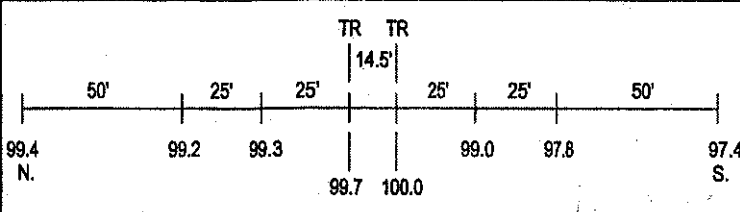
COMMENTS:

The main crossing should be widened to at least the same width as the siding, and improved. One timber is loose, one is split, there is pumping, and there is an asphalt hump on the side of each field timber. The grades on the south approach do not meet but there are driveways and side roads in close proximity, which would make it very difficult to fix properly. The south approach is on a curve and traffic should not be traveling faster than 15 or 20 mph. The Company's detailed estimate for new Automatic Flashing Light Signals and Gates (AFLS&G) is \$169,700. This will be a 90/10 (GCPF)/RR project, and the village will be required to modify the approaches to a certain degree.

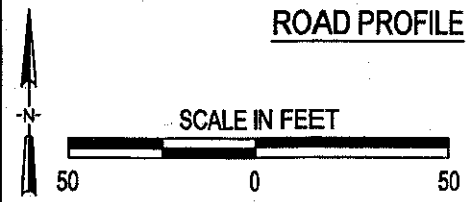
Page three will be the Location Sketch (Aerial Photo) of the crossing



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ROAD PROFILE



③ Photo Location

Crossing #:	479442F
Location:	Scott Co., City of Bluffs (I)
Lat/Long:	39°44'54" / 90°31'54"
Railroad:	NS
Street:	Rogers Street
Railroad Milepost:	465.35
Crossing Protection:	Signs

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern
USDOT#, MILEPOST/LINE	479 443M, 465.42/WC
STREET, CITY, COUNTY	Bradley Street, in Bluffs, Scott County
JURISDICTION (RDWY)	City
LOCATION	urban, residential
STREET SURFACE	Oil and Chip, 18', fair condition

CROSSING DATA: Also see Location Sketch for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E Main	Timber and Asphalt	40'	good
W-E Siding	Timber and Asphalt	40'	good
W-E Siding	Timber and Asphalt	40'	good

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	E. Piper 205' to the south
TRAFFIC CONTROL	Stop sign
ADT & SPEED	309, @30 mph
TRAFFIC TYPE	Passenger, possible School Busses
ADVANCE WARNING	Yes
PAVEMENT MARKING	no

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	18 freight Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	N/A
WARNING DEVICES	crossbucks

NOTES:

VISIBILITY STUDY: See Location Sketch

Train Speed	Say 50 (near curve)	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	221	FEET
Along Tracks	493	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1200	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	700	trees	50	House
NW	400	trees	100	Storage units
SE	400	trees	50	House
SW	800	trees	100	House trailer

*

APPROACH GRADES: See Location Sketch

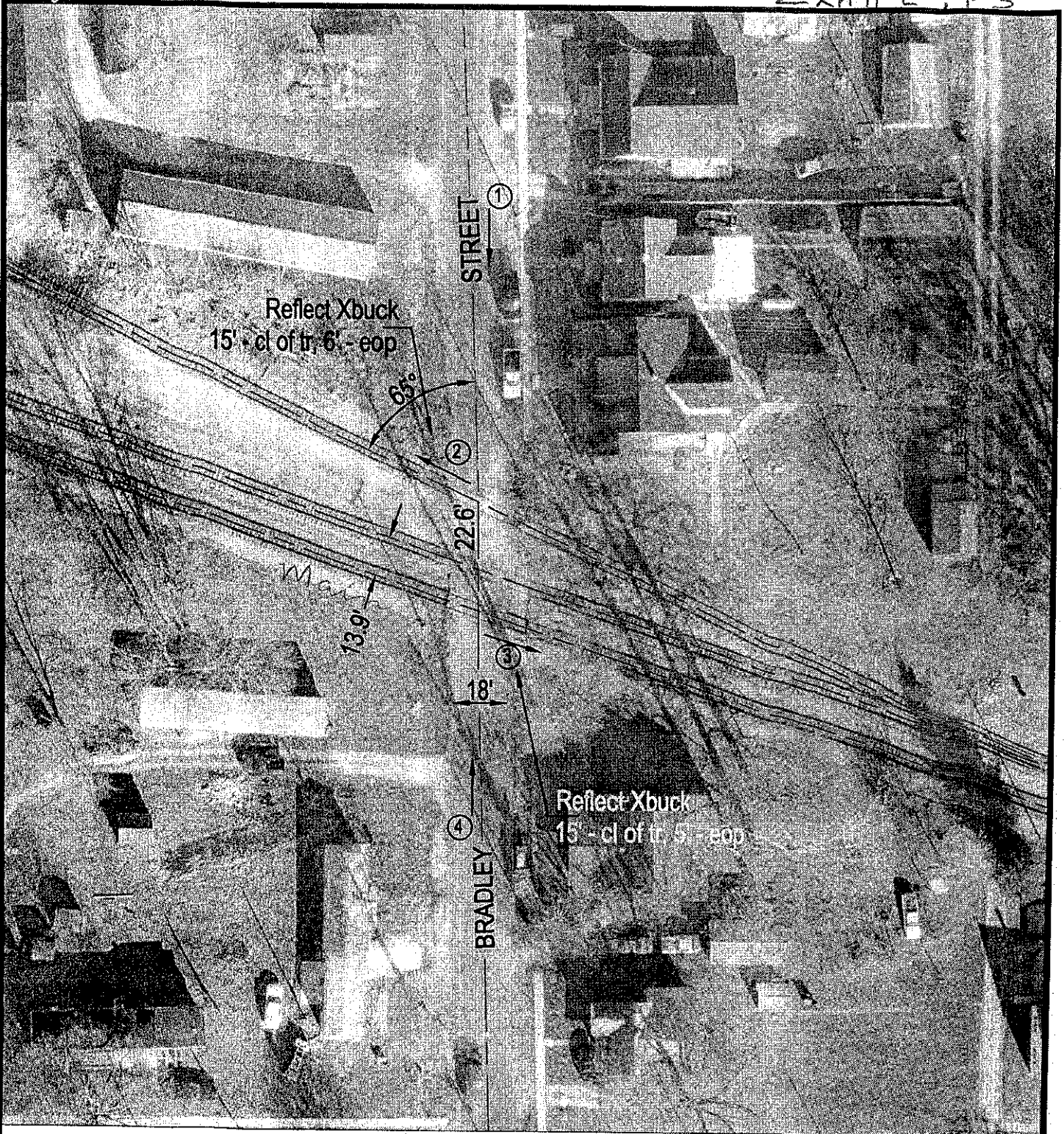
DIRECTION: NORTH			DIRECTION: SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	98.6	1.2	25	99.5	2
50	98.3	1.2	50	99.1	1.6

Distance measured from outermost rail.

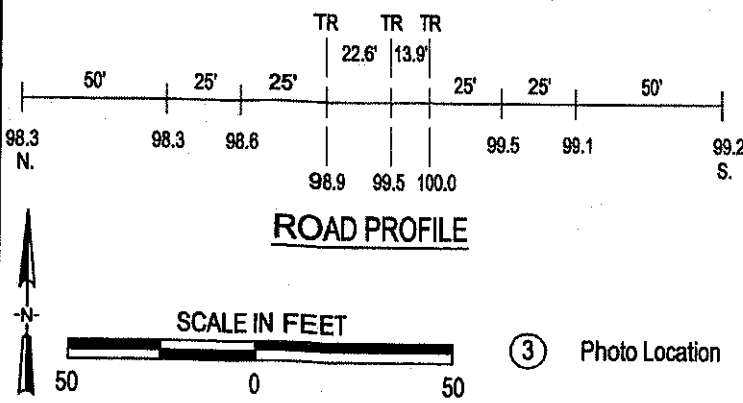
COMMENTS:

The Company's detailed estimate for new Automatic Flashing Light Signals and Gates (AFLS&G is \$167,400. This will be a 90/10 (GCPF)/RR project, and the village will be required to modify the approaches to a certain degree.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



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Crossing #: 479443M
Location: Scott Co., City of Bluffs (I)
Lat/Long: 39°44'56" / 90°31'58"
Railroad: NS
Street: Bradley Street
Railroad Milepost: 465.42
Crossing Protection: Signs